

## Message Text

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ORIGIN NEA-10

INFO OCT-01 ISO-00 L-03 EB-07 /021 R

DRAFTED BY NEA/INS:RBMORLEY:JES

APPROVED BY NEA/INS:DKUX

L/NEA:JROHWER

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R 221857Z JUL 75

FM SECSTATE WASHDC

TO AMEMBASSY NEW DELHI

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E.O. 11652: N/A

TAGS: ETRA, IN

SUBJECT: ARBITRATION DISPUTE

REF: NEW DELHI 9548

1. SUBSTANCE REFTEL PASSED TO BRIDGELAND JULY 17.

2. BRIDGELAND CONTACTED DEPARTMENT (NEA/INS-MORLEY) JULY 21 AND NOTED THAT HE HAD MADE OFFER TO FCI IN MARCH IN ATTEMPT SETTLE THIS CASE. HE CONSIDERS OFFER TO BE STILL OUTSTANDING SINCE RESPONSE CONTAINED NEW DELHI 5377 (IN WHICH FCI REJECTED ANY COMPROMISE SOLUTION WHATSOEVER) OVERCOME BY REFTEL AND MAY NO LONGER BE ACCURATE REFLECTION OF FCI POSITION. HE SUGGESTED EMBASSY APPROACH FCI AND ASK AGAIN FOR DETAILED COUNTERPROPOSAL. BRIDGELAND REITERATED HE AND HIS CLIENTS WERE FLEXIBLE AND PREPARED CONSIDER REASONABLE COUNTERPROPOSALS.

3. BRIDGELAND WOULD PREFER EMBASSY NOT RPT NOT WITHDRAW FROM NEGOTIATIONS AT THIS TIME BUT CONTINUE TO ACT AS "MIDDLEMAN". HE SAID BOMBAY COUNSEL NOT IN PICTURE AS LIMITED OFFICIAL USE

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FAR AS THESE PARTICULAR NEGOTIATIONS CONCERNED, AND HE

EXPRESSED BELIEF INJECTING NEW MAN INTO DISCUSSIONS AT THIS LATE DATE MIGHT PREJUDICE INTERESTS OF HIS CLIENT. HE ASKED

THAT EMBASSY CONTINUE ABIDE BY "AGREEMENT" STRUCK IN MARCH, ACCORDING TO WHICH EMBASSY UNDERTOOK PLAY LIAISON ROLE AND ADVISE BRIDGELAND ON POSSIBLE ALTERNATIVE COURSES OF ACTION.

4. IN RESPONSE TO QUESTION, BRIDGELAND INDICATED EMBASSY (LANDE) FULLY BRIEFED ON SUBSTANCE OF BRIDGELAND'S MARCH SETTLEMENT OFFER.

5. IN CLOSING CONVERSATION, BRIDGELAND ASKED FOR EMBASSY HELP IN ONE MORE PROBLEM. HE SAID HE LEFT EDITED TRANSCRIPT OF TRIBUNAL PROCEEDINGS WITH FCI IN MARCH, AND THAT FCI HAD UNDERTAKEN GET COPIES TO HIM "IN A FEW WEEKS". THEY ALSO PROMISED COPIES OF DOCUMENTS ENTERED INTO EVIDENCE BEFORE TRIBUNAL. SO FAR, NONE OF PROMISED MATERIAL HAS BEEN RECEIVED. BRIDGELAND ASKED WHETHER EMBASSY COULD REMIND FCI OF THEIR OBLIGATIONS IN THIS REGARD. HE IS PREPARED TO TAKE MATTER UP WITH TRIBUNAL SHORTLY IF DOCUMENTS AND TRANSCRIPT NOT RECEIVED SOON.

6. COMMENT: WE HAVE MIXED FEELINGS ABOUT BRIDGELAND'S REQUEST THAT EMBASSY SERVE AS "MIDDLEMAN". WE WANT TO BE AS HELPFUL AS POSSIBLE, BUT WE ARE CONCERNED ABOUT EMBASSY'S BECOMING TOO INVOLVED IN HIGHLY TECHNICAL DISPUTE BETWEEN FCI AND BRIDGELAND WHICH IS STILL PENDING BEFORE THE COURTS. WOULD APPRECIATE EMBASSY COMMENTS ON THIS. KISSINGER

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